

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROSCOE CHAMBERS,)	
ID # 13495-030,)	
Plaintiff,)	
vs.)	No. 3:18-CV-820-D (BH)
)	
JOSE A. SANTANA,)	
Chief Designator for BOP,)	
Defendant.)	Referred to U.S. Magistrate Judge

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

By Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

Before the Court is Plaintiffs' *Motion to Proceed on Appeal In Forma Pauperis*, received on September 26, 2018 (doc. 15).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal presents no legal points of arguable merit and is therefore frivolous and is not taken in good faith, and because Plaintiff may not proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915(g) (three-strikes rule).

If the Court denies the request to proceed *in forma pauperis* on appeal, Plaintiff may challenge the denial pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5). Because Plaintiff may not proceed *in forma pauperis* under 28 U.S.C. § 1915(g), no initial partial filing fee is calculated for any such motion to proceed *in forma pauperis* on appeal filed in the Fifth Circuit.

SIGNED this 27th day of September, 2018.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE